

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

* * * * *		CRIMINAL ACTION
UNITED STATES OF AMERICA	*	14-121ML
	*	
VS.	*	OCTOBER 20, 2015
	*	
KEMONT BOWIE	*	PROVIDENCE, RI
* * * * *		

HEARD BEFORE THE HONORABLE MARY M. LISI
SENIOR JUDGE
(Sentencing)

APPEARANCES:

FOR THE GOVERNMENT:	ADI GOLDSTEIN, AUSA U.S. Attorney's Office 50 Kennedy Plaza Providence, RI 02903
FOR THE DEFENDANT:	OLIN THOMPSON, ESQ. Federal Defender's Office 10 Weybosset Street Suite 300 Providence, RI 02903
Court Reporter:	Anne M. Clayton, RPR One Exchange Terrace Providence, RI 02903

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1 20 OCTOBER 2015 -- 9:50 A.M.

2 THE COURT: This is the matter of the United
3 States versus Kemont Bowie. The matter is before the
4 Court this morning for imposition of sentence.

5 Before we begin, I'd like to see counsel briefly
6 at the bench, please.

7 (Bench conference off the record.)

8 THE COURT: The Court is in receipt of the
9 presentence report prepared by the Probation Office.
10 The probation officer has conducted a guidelines
11 analysis for Mr. Bowie and has determined that he has a
12 criminal history category of 6 with a total offense
13 level of 29, which provides for a guideline range of
14 151 to 188 months of incarceration as to Counts II and
15 III. As to Count V, it's a restricted range of 60
16 months.

17 In addition to the presentence report, I have
18 the Defendant's motion for sentencing consideration.

19 I did not see any objections filed to the
20 presentence report, Mr. Thompson, so I take it that you
21 are in agreement with the guideline calculation.

22 MR. THOMPSON: Your Honor, yes and no. The
23 original presentence report, which I believe was filed
24 on August 13th --

25 THE COURT: I'm looking at one from September

1 9th.

2 MR. THOMPSON: For some reason, your Honor,
3 there was an issue and it may still be, I believe it
4 is, because the Government had the same issue, that
5 that did not appear on ECF. And for that reason
6 neither I or the Government actually looked at the
7 second copy until the last several days.

8 THE COURT: Document number 58 filed September
9 9th.

10 MR. THOMPSON: Right. It doesn't appear on the
11 docket that either of us can see, your Honor; and for
12 that reason, neither of us actually -- this doesn't
13 affect the guideline range.

14 THE COURT: I think if I'm understanding you
15 correctly that what may have happened was that when it
16 was filed by Probation, they may have hit the wrong
17 button.

18 MR. THOMPSON: I think that's possible. For
19 that reason -- and what I'm referring to in the copy
20 that you have in front of you, the September 9th, and I
21 always note this because you said at the end there
22 Count V carries a five-year maximum. Under this case,
23 Count V is going to be dismissed. I think that portion
24 of the -- and that did not appear in the first
25 presentence report that we had from August 13th. As

1 part of the plea agreement, the Government is
2 dismissing that.

3 MS. GOLDSTEIN: Your Honor, if I may --

4 THE COURT: I don't have that in the plea
5 agreement. Count I, II -- he's pleading -- just a
6 second. Maybe you're right. Counts IV and V are being
7 dismissed.

8 MR. THOMPSON: Correct, your Honor.

9 And the outcome of that, your Honor, is that in
10 the presentence report you have from September 9th,
11 paragraphs 33 through 42 address a second grouping of
12 counts, but that actually -- that grouping only
13 pertains to Count V so that should -- that doesn't
14 change the final guideline but --

15 THE COURT: It's irrelevant.

16 MR. THOMPSON: -- it's irrelevant. The
17 Government and I are in agreement that everything else
18 in the PSR is correct and the one from August 13th was
19 correct.

20 THE COURT: When you couldn't look at it, did
21 you call Probation?

22 MR. THOMPSON: I'm not sure how actually I got
23 it, your Honor. It's not on the docket, but I have it.

24 THE COURT: Okay. I'm going to ask Probation to
25 amend the presentence report to accurately reflect

1 what's contained in the plea agreement, which is that
2 the Government today will be moving to dismiss Counts
3 IV and V and, therefore, paragraphs 34 through I think
4 it's 39 --

5 MR. THOMPSON: It would be 33 through 42, your
6 Honor.

7 THE COURT: 33 through --

8 MR. THOMPSON: 42. That would leave the offense
9 level on paragraph 32 is at 32 and then we get the --

10 THE COURT: Right.

11 MR. THOMPSON: Down to 29.

12 THE COURT: So would you prepare an amended PSR
13 that eliminates paragraphs 33 through 42 because
14 they're not relevant.

15 And as you say, the total offense level and
16 criminal history score remain the same.

17 MR. THOMPSON: That's correct.

18 THE COURT: And the guideline range then is 151
19 to 188.

20 MR. THOMPSON: We agree, Judge.

21 MS. GOLDSTEIN: That's correct, your Honor.

22 THE COURT: However, I think I said with respect
23 to Count I, the range is restricted at 60 --

24 MR. THOMPSON: Yes, your Honor.

25 THE COURT: -- which is correct.

1 Other than that objection, Mr. Thompson, do you
2 have any others to the presentence report?

3 MR. THOMPSON: No, thank you, your Honor.

4 THE COURT: Okay. I'll hear from the
5 Government, then, on sentence.

6 MS. GOLDSTEIN: Your Honor, Defendant pleaded
7 guilty to conspiracy to traffic a minor female and an
8 adult female in violation of 18 United States Code
9 Section 371. He pleaded guilty to sex trafficking of a
10 minor in violation of 18 United States Code Section
11 1591(a)(1) and (b)(1)(2), and he pleaded guilty to
12 transportation of a minor for sexual activity in
13 violation of 18 United States Code Section 2423(a) and
14 (2).

15 As the Court is aware, the Defendant is facing a
16 mandatory minimum term of incarceration of ten years on
17 Counts II and III; and as the Court has just noted, his
18 guidelines range is 151 to 188 months.

19 On August 7th, 2015, this Court sentenced
20 Co-Defendant Ricky Wallace to 144 months for the same
21 offense. That sentence was within that Co-Defendant's
22 guidelines range.

23 Wallace's offense level was the same as
24 Defendant Bowie's, however, his criminal history
25 category was a one level lower.

1 Today the Government asks the Court to impose a
2 sentence of 156 months on Mr. Bowie. That is 13 years,
3 a sentence that is within the guideline range. That
4 sentence is reasonable and called for in this case in
5 light of the nature and circumstances of the offense
6 and the history and characteristics of this Defendant.

7 The facts of the case are appalling. Defendant
8 and Co-Defendant, Ricky Wallace, conspired to lure
9 young women, vulnerable, run-aways, homeless from South
10 Station in Boston to Providence, Rhode Island for
11 purposes of prostitution.

12 The Defendant had already been prostituting
13 Raechyl Spooner for months. He beat her. He took over
14 her apartment where she was residing with her young
15 daughter, and he made her into a co-conspirator in this
16 enterprise by getting her to drive these two women from
17 Boston to Rhode Island and then teach the young victim,
18 a 17-year-old girl, the ropes by taking her on walks to
19 pick up johns, by taking her photograph and posting her
20 on Backpage, by having her watch how it was done and
21 then by doing it herself.

22 The Defendant, as was his Co-Defendant, Ricky
23 Wallace, they're predators. Simple as that. Instead
24 of going out to work -- this is a 35-year-old man, six
25 feet tall, 250 pounds. He could roll up sleeves, sweat

1 himself and make a living. But why do that when you
2 can just force young women to sell their bodies while
3 you sit in another room and wait for them to hand over
4 the money.

5 They get women to sell their bodies and they
6 reap the rewards.

7 In this case, the first victim, a 17-year-old
8 girl, ran away from a group home in Boston and found
9 herself literally imprisoned for a week, forced to work
10 as a prostitute, selling her body at times for as
11 little as pizza and \$20.

12 The second woman, a 22-year-old, reported that
13 she was sexually assaulted by the Co-Defendant, Ricky
14 Wallace, after she refused to work as a prostitute.
15 Both of these young women reached out to law
16 enforcement begging to be rescued.

17 The 17-year-old victim reported that this
18 Defendant, who she was told to refer to as "Daddy,"
19 trained her along with Spooner to become a prostitute.
20 And when Spooner refused to work, she watched this
21 Defendant strike her. She also observed Wallace strike
22 the 22-year-old victim in her presence.

23 This is violent stuff, and it is consistent with
24 this Defendant's history.

25 Now, the Defendant has argued that his criminal

1 history might be over-representative of his past. Your
2 Honor, the Government submits that it is not. It does
3 not paint a pretty picture. The Court is entitled to
4 consider all of the Defendant's background and
5 characteristics.

6 In addition to the several convictions that are
7 outlined in the PSR for drug trafficking offenses for
8 which he garnered the most points as well as the fact
9 that he committed this offense while on a criminal
10 justice sentence in the State, his criminal history is
11 significant for multiple convictions and arrests,
12 admittedly dismissed cases, for domestic violence one
13 after another.

14 Let me just go back. April 25th, 2007,
15 conviction for violation of protective order. August
16 3rd, 2005, domestic violence arrest. Victim didn't go
17 forward. It was dismissed.

18 September 4th, 2008, domestic violence arrest.
19 May 25th, 2009, domestic violence arrest. July 28th,
20 2010, conviction for simple assault, domestic violence
21 case. February 15th, 2011, another conviction for a
22 domestic violence case. March 14th, 2011, domestic
23 violence arrest. September 9th, 2012, domestic
24 violence arrest.

25 The Government recognized that this Defendant

1 had a horrific up-bringing as demonstrated in the
2 sentencing memo and attachment thereto submitted by the
3 Defendant. We recognize that the Defendant's childhood
4 was tragic, and we recognize the Defendant suffers from
5 mental illness. While that may explain some of his
6 actions, it simply does not excuse this history of
7 beating women, degrading them, selling them into
8 prostitution.

9 And your Honor, at this point, it stops. And
10 this Court can send a very strong message both to the
11 Defendant and to the community at large that we are
12 simply not going to stand for individuals like this
13 Defendant preying on vulnerable victims, a minor in
14 this case and another young woman, and selling them,
15 selling their bodies behind closed doors in the City of
16 Providence and elsewhere in this State.

17 The sentence that the Government is asking for
18 today is reasonable. It falls within the guideline
19 range. It is proportional to the sentence that this
20 Court imposed on the Co-Defendant in this case, Ricky
21 Wallace.

22 In addition to a sentence of 13 years, this
23 Court is required to impose the \$100 special
24 assessment.

25 Your Honor, the Government is also asking the

1 Court to impose a term of supervised release in this
2 case that is life, which is the maximum term of
3 supervised release, with the conditions that this Court
4 deems appropriate, mental health counseling, substance
5 abuse counseling and domestic violence counseling.

6 Thank you, your Honor.

7 THE COURT: Thank you, Ms. Goldstein.

8 Mr. Thompson, before you begin, I neglected to
9 ask whether you had had an opportunity to review the
10 presentence report with your client.

11 MR. THOMPSON: Yes, your Honor. Thank you. We
12 did.

13 Your Honor, part of the reason that this case
14 took a long time to proceed through the court is
15 because there was a lot of investigation to be done
16 after the initial arrest was made, and a lot of that
17 needed to be done by the Government because they were
18 the ones that had access to the victims to find out
19 what really happened.

20 And part of the reason it took so long is
21 because after that investigation we took the time with
22 the Government to figure out what the facts were and
23 agree on those facts and put them in the plea agreement
24 and put them in the presentence report.

25 What you've heard today from the Government, a

1 lot of it goes well beyond the facts that are in the
2 presentence report, the facts that are in the plea
3 agreement and the facts as they actually occurred.

4 Mr. Bowie -- and so I want to correct some of
5 those before I go into the rest of the sentencing
6 argument because I don't think that this case, as
7 serious as it is, has been fairly portrayed.

8 The Government accused Mr. Bowie of beating his
9 Co-Defendant. That did not happen and that is not part
10 of the agreed-to facts. That simply didn't happen. He
11 is accused of coercing her to become a prostitute.
12 That also did not happen. He's accused of today
13 photographing one of the victims in this case and
14 putting her on the Internet. That did not happen.
15 Co-Defendant Wallace did that. And he's accused of
16 forcing these people, and particularly holding the
17 17-year-old victim in a virtual prison for a week and
18 that did not happen.

19 There was no force and coercion in this case.
20 And there's no doubt that this is an extraordinarily
21 serious case and that the mere power differential
22 between an adult and a 17-year-old is well worth the
23 prison sentence you're going to impose today, but the
24 force and coercion counts were dismissed for a reason,
25 and the facts were agreed upon to leave that out for a

1 reason. It's because it didn't happen.

2 This 17-year-old victim was free to leave at any
3 time. She was provided with a phone, and she
4 acknowledged that upon later investigation. That's
5 important.

6 THE COURT: I want you to stop there and I want
7 counsel to approach.

8 MR. THOMPSON: Yes, your Honor.

9 (Side-bar conference.)

10 THE COURT: We are on the record because this is
11 of concern to me. I know that you were not the
12 original prosecutor on the case; that Ms. Chin struck
13 the deal, and I know that part of that was to extract
14 certain of the language that was in the indictment,
15 which would have triggered the 15-year mandatory
16 minimum sentence.

17 Now, I don't know what happened or didn't
18 happen, but you've alluded to some of it in your
19 presentation and now Mr. Thompson is saying that it
20 didn't happen.

21 MS. GOLDSTEIN: I can respond, your Honor, in
22 open court to Mr. Thompson's comments. When I made my
23 argument, I did not mean to -- and I understand that
24 Mr. Thompson might have understood it this way. I did
25 not mean to suggest that the Defendant's conduct

1 satisfied the force, fraud and coercion as to the
2 victim's elements as the Court has just noted. We did
3 not prove up those facts beyond a reasonable doubt, and
4 those counts were dismissed and the Defendant is not
5 facing this 15-year mandatory minimum sentence because
6 of that fact. However, that doesn't mean that the
7 Court can't consider the overall circumstances of the
8 offense even though they may not have risen to the
9 statutory crime of force, fraud and coercion.

10 The fact is, your Honor, this girl made a call
11 to law enforcement hiding down the street from the
12 apartment away from the Defendant and his Co-Defendant.
13 She had to be -- she did not make that call when she
14 was in the apartment. She ran away and made that call
15 down the street, okay, when she felt that she had a
16 moment to do that. That is a fact and that has not
17 changed. And that is not retracted. She did not feel
18 like she was free to reach out to law enforcement at
19 any time.

20 THE COURT: That was, as I understand, was with
21 Wallace over in Seekonk and she managed to get away on
22 her own.

23 MS. GOLDSTEIN: She ran away.

24 THE COURT: Do you dispute that?

25 MR. THOMPSON: That factually happened but she

1 also claimed at that point, one, she was actually found
2 back at the house by herself with the phone.

3 MS. GOLDSTEIN: She managed to get ahold of that
4 phone after it was taken away from her. She got it
5 back. She didn't have it in the beginning.

6 THE COURT: Do you agree that she left the house
7 to make the call?

8 MR. THOMPSON: No. She left the house to go
9 running. She did go running.

10 MS. GOLDSTEIN: She made the call outside in the
11 woods outside of the house.

12 MR. THOMPSON: She also claimed that she was
13 kidnapped in Boston and forced by three or four burly
14 men into a car, and videotape proved that that was not,
15 in fact, true.

16 MS. GOLDSTEIN: And that only goes to an opinion
17 that nothing may have happened.

18 MR. THOMPSON: I understand that. My point
19 being what she said when she was calling from the woods
20 in not accurate because she lied she was kidnapped.

21 THE COURT: The other problem you have is that
22 your client admitted to a conspiracy with Wallace.

23 MR. THOMPSON: Correct.

24 THE COURT: Okay. All right. I think I have
25 the picture. Thank you.

1 (End of side-bar conference.)

2 MR. THOMPSON: Thank you, your Honor. The last
3 thing I wanted to clarify was that Ms. Goldstein stated
4 that the second victim, I believe, was sexually
5 assaulted and that was by Mr. Wallace, not by --

6 THE COURT: That's what she said.

7 MR. THOMPSON: That's what she said. That it
8 was by Mr. Wallace, right.

9 THE COURT: She said that.

10 MR. THOMPSON: Correct, your Honor. I'm just
11 clarifying in order to get that separation, which I
12 think is important, because these two did not -- I
13 don't believe they are comparative. My request for
14 sentence for Mr. Bowie, obviously, is two years less
15 than that which you gave to Mr. Wallace.

16 As I've said repeatedly, your Honor, there's no
17 doubt that this is a very serious crime, and there's
18 also no doubt that 10 years or 12 years or more is a
19 very severe and serious punishment. So I don't think
20 it needs to be pounded into the record how serious it
21 is. There can be no doubt about it.

22 Mr. Bowie has never done more than 15 months in
23 prison, and he did that on a drug trafficking charge.
24 He's never done more than that. And in fact, his
25 record is a long one but, as Ms. Goldstein stated, it's

1 primarily driving offenses and even the many domestic
2 charges that she reviewed resulted in only three
3 convictions.

4 THE COURT: There were also, as I counted them,
5 six convictions for drugs, disorderly conduct and
6 resisting arrest that weren't counted.

7 MR. THOMPSON: Not counted points-wise, correct,
8 your Honor.

9 THE COURT: Which means that his score of six is
10 probably just about right.

11 MR. THOMPSON: Well, I disagree, and you know
12 that from my sentencing memorandum, your Honor. Out of
13 the 15 points he does get on his criminal history, I
14 put in my memo seven until I realized that the two
15 extra points from Probation were also for being on
16 probation on a suspended license case, no other kind of
17 case.

18 So out of his 15 criminal history points, which
19 would put him squarely in category 6, nine of those are
20 for driving on a suspended license.

21 I certainly acknowledge to the Court that
22 suspended license cases when they are counted can be
23 important to the Court's sentencing calculation. I
24 think they can reflect on whether someone is willing to
25 abide by an order of the Court. In a much less serious

1 case where perhaps the Court is looking at sending
2 someone to jail or not to jail or what term of
3 probation to put them under, I think the number of
4 suspended license cases could make a difference. But
5 when you're looking at a sentence of 10 years or 12
6 years or 13 years, I would suggest that the number of
7 suspended license cases is completely irrelevant to
8 what long sentence is appropriate to punish the
9 Defendant for this crime and to rehabilitate him for
10 this crime and to deter the public and Mr. Bowie
11 specifically for this crime.

12 Those crimes of driving with a suspended license
13 are completely irrelevant and yet they boost his
14 criminal history score from a category 3 to a category
15 6. And without the suspended license cases, he would
16 be at a range of 108 to 135 months.

17 THE COURT: 120 to 135. It's restricted.

18 MR. THOMPSON: Fair enough, your Honor. 120 to
19 135. That's exactly right. In any event, squarely on
20 the line of the mandatory minimum sentence in this case
21 of 120 months.

22 As opposed to his Co-Defendant, Ricky Wallace,
23 who you gave 12 years to, your Honor, Mr. Bowie is not
24 accused of using violence in this case. As opposed to
25 Mr. Wallace, Mr. Bowie does not have prior allegations

1 or other pending charges in other courts of sexual
2 assault or sex trafficking. Those two facts, I think,
3 are very mitigating and distinguish Mr. Bowie from
4 Mr. Wallace.

5 Again, those things don't make Mr. Bowie's
6 actions legal in any way, but the violence should not
7 serve as an aggravator in this case. And we need to
8 look at Mr. Bowie himself. As acknowledged by the
9 Government, he suffers from a variety of major mental
10 illnesses and grew up with a really horrific traumatic
11 life. His mother was a drug addict and prostitute.
12 His father was a pimp and a prostitute. He witnessed
13 abuse between them and he suffered abuse from his
14 parents, from the johns that came into the household,
15 and the long-lasting effects of that are obvious both
16 in his mental illness and also, I would argue, in his
17 commission of this crime.

18 It shouldn't be any surprise that someone who
19 grew up in that kind of situation is not able to relate
20 to others in society in a more normal way and is not
21 able to trust people in a more normal way. And just as
22 when we talk about defendants who grew up the children
23 of drug addicts and drug traffickers, they often turn
24 to drug trafficking when they get older especially if
25 they have the kind of trauma and mental illnesses that

1 Mr. Bowie has.

2 Again, not particularly mitigating, but I think
3 it should cause the Court concern of whether a sentence
4 of more than a decade in prison is really necessary to
5 punish this crime and is really necessary to deter
6 Mr. Bowie. The serious mental illnesses that he
7 suffers from are the kind that were -- attempts were
8 being made to deal with them before his incarceration,
9 but now that he's been incarcerated and is getting the
10 proper medication and therapy, he is doing much better.
11 And with the ten-year sentence at least you have to
12 give him, he will be involved, obviously, with more
13 significant counseling.

14 And as Dr. Parsons points out, perhaps the most
15 important thing for Mr. Bowie is that he remains on a
16 closely-monitored medication regimen but also that he
17 get counseling. One of the things I'm going to be
18 requesting in the sentencing, your Honor, is that you
19 recommend he go to the BOP prison at Fort Devens. And
20 the reason for that is multi-fold. One, it is local so
21 he'll be able to continue to see his children. They've
22 been almost his only support, his family and friends
23 and his children since he's been locked up.

24 Two, Fort Devens is known for its psychiatric
25 care, and he clearly needs a lot of psychiatric care

1 and monitoring.

2 And three, Fort Devens is the place where most
3 sex offenders from this territory go, and he clearly
4 needs some counseling to deal with that as well. I
5 don't think particularly because he's what we consider
6 a normal sex offender and has criminal sexual
7 inclinations, but I think more because he grew up in
8 that kind of environment witnessing those kinds of
9 sexual politics and abuse and that kind of thing, and
10 he needs help dealing with that so that when he gets
11 out he doesn't see things as much that way. And I know
12 that's something he's learned about while he's been in
13 prison, seeing how seriously the Federal Government
14 takes these cases, seeing more and more people getting
15 arrested for these crimes and seeing the five and ten
16 and even 15-year mandatory minimum sentences being
17 dished out, that's had an impact on him and how he
18 thinks about this.

19 So I think it's very important that he does go
20 to Fort Devens, but I think overall, and this is what I
21 wrote in my sentencing memorandum, your Honor, ten
22 years is just a very, very long time in prison. It's a
23 very serious punishment, and I'm not sure that any
24 higher punishment really satisfies any factors of
25 sentencing other than the Government or society getting

1 its pound of flesh as opposed to recognizing you
2 committed a really serious crime, a horrible crime that
3 you need serious punishment for. But at the same time,
4 you grew up in a horrific environment. You have
5 long-lasting mental health effects and you need help if
6 you're going to survive once you get out.

7 So is that additional one or two or three years
8 really going to get anybody anything other than the
9 pound of flesh? I'd suggest that ten years is enough
10 punishment. Nothing more than that is necessary for
11 those other factors.

12 Thank you, your Honor.

13 THE COURT: Thank you, Mr. Thompson.

14 Mr. Bowie, is there anything you want to say on
15 your own behalf?

16 THE DEFENDANT: I just want to start by saying
17 I'm sorry. And due to the stipulations that I'm being
18 brought up on, I always thought that that was normal,
19 the way I grew up; and since I've been incarcerated and
20 I've been around a few gentlemen that have been
21 prosecuted on the same crime as I, I realize how big of
22 a deal it really is. And I just want to say I'm sorry.
23 I'm embarrassed, and I'm very disappointed in myself.
24 And that's it, your Honor.

25 THE COURT: The Defendant here has requested a

1 sentence that is the mandatory minimum sentence.

2 Mr. Thompson has argued very earnestly on behalf of his
3 client as he is required to do; however, there are some
4 points with Mr. Thompson's presentation with which I
5 disagree.

6 The Defendant's criminal history score in this
7 case is at a category 6. That's taking into account
8 all of the countable convictions, many of which, and
9 he's correct, stem from driving offenses. He has 15
10 criminal history points by virtue of all of the
11 countable offenses. Criminal history category 6 is 13
12 and up so he's edging toward a category 7, if there
13 were such a thing.

14 But where I depart from Mr. Thompson's analysis
15 of the propriety of that category 6 score is the fact
16 that there were so many convictions dating back to 1998
17 that were not countable, and those were serious
18 offenses as well.

19 In 1998, there was a conviction for possession
20 of crack, and it appears at least from the description
21 in the presentence report that the Defendant was
22 dealing. He was placed on probation and ordered into
23 substance abuse counseling.

24 Then in 1999, there's another drug offense. He
25 violated on that, didn't appear.

1 Then we fast-forward to 2009, and there is a
2 disorderly conduct -- this is at paragraph 66 -- and
3 obstructing a police officer. That wasn't counted.

4 In 2010, there's a simple assault. That was
5 dismissed but the disorderly conduct domestic, he
6 received a six-month suspended sentence on that one.
7 That wasn't counted.

8 In 2011, there's another disorderly conduct
9 domestic that wasn't counted. Later in 2011, a
10 resisting arrest, a one-year suspended sentence. That
11 wasn't counted.

12 So those drug and assaultive convictions were
13 not counted. And so even if, as Mr. Thompson has
14 argued, the criminal history score is inflated by
15 virtue of the many, many driving offenses, even if we
16 were to take those out and consider this record, some
17 of these might have counted. Maybe not, but I can't
18 close my eyes to the fact that Mr. Bowie has had an
19 almost unbroken string of criminal offenses dating back
20 to his teenage years.

21 I also do not close my eyes to the very tragic
22 circumstances of his own up-bringing. This is not an
23 uncommon situation of people who grow up as Mr. Bowie
24 did, find themselves in a world without having had the
25 benefit of any parental guidance and it is not uncommon

1 for them to act out.

2 What distinguishes this case, however, from many
3 of the cases over which I've presided over the many
4 years I've been on this Court is that this is a case
5 involving predatory conduct and victimization of
6 vulnerable people. Making money not by dealing drugs.
7 That's almost understandable given Mr. Bowie's
8 up-bringing and life circumstances. But victimizing
9 young women, one of these young women was a juvenile,
10 for no reason other than to make money is so
11 fundamentally wrong that even given Mr. Bowie's tragic
12 circumstances of his early life, his documented now
13 mental illness, leads me to the conclusion that he is a
14 danger to society.

15 If he was willing along with Mr. Wallace to
16 engage in the conduct that he has admitted all just for
17 the almighty dollar when he himself could have gone out
18 and gotten a job -- and frankly, if he had been here
19 saying my job is being a drug dealer, I'd have more
20 sympathy.

21 What I cannot countenance, and that's what I
22 would be doing by exceeding to the request of a
23 mandatory minimum sentence, is to say, well, we can
24 excuse all of that because of his up-bringing and his
25 mental health issues. As I say, the victimization of

1 another human being as was done in this case, not once
2 but twice, is so fundamentally wrong that anyone who
3 engages in it has to be viewed as a threat, a predator
4 and someone who has to be shut away for a long period
5 of time in order to keep the other young women out
6 there who may fall prey to that conduct safe.

7 Mr. Bowie now says he's sorry.

8 I certainly hope so because what you did to
9 those two young women, Mr. Bowie, cannot be erased and
10 it's something that they will have to live with for the
11 rest of their lives. I sincerely hope that they are
12 getting treatment and counseling that they will need in
13 order for them to have some semblance of a normal life.

14 The guidelines in this case, I think, get it
15 just about right. This is a heinous crime.
16 Thankfully, it is not one that I've seen a lot,
17 although from what I read in the newspapers, this isn't
18 the only case percolating out there where young men
19 like Mr. Bowie and Mr. Wallace rather than getting
20 themselves a real job go out and decide to victimize
21 women.

22 And so the sentence that I think most
23 appropriately reflects the Court's concerns as
24 expressed here today, that is the need to protect the
25 public from further conduct of this nature, the need to

1 punish this Defendant, the need to deter others who may
2 consider this is a good way to make a quick buck, the
3 need for this Defendant to receive treatment and
4 education so that when he does get out of prison he can
5 be a productive member of society, I think the sentence
6 called for by the Government here is an appropriate
7 sentence. And so the sentence I impose on Counts I --
8 excuse me, Counts II and III is a term of incarceration
9 of 156 months. On Count I, a term of 60 months, all to
10 run concurrently with each other.

11 The Defendant will be placed on supervised
12 release for a period of ten years as to Counts II and
13 III. On Count I, a term of supervised release of three
14 years, all to run concurrently with each other.

15 As special conditions of supervised release, the
16 Defendant shall participate in a program of substance
17 abuse treatment, either in or outpatient, whatever is
18 necessary.

19 The Defendant shall participate in a program of
20 substance abuse testing and submit to up to 72 drug
21 tests per year. The Defendant shall participate in a
22 program of mental health treatment. To the extent that
23 the Defendant has the ability to contribute to the
24 costs of his drug testing, drug treatment and mental
25 health treatment, he is ordered to make those

1 contributions. He is ordered to participate in sex
2 offender specific treatment as directed by the
3 probation officer and to submit to periodic testing in
4 the form of polygraphs or any other methodology
5 approved by the Court in order to measure his
6 compliance with the conditions of treatment and
7 supervised release.

8 Again, to the extent that he may have the
9 ability to contribute to the cost of such treatment and
10 testing, he is ordered to make those contributions.

11 The Defendant shall comply with all applicable
12 federal and state laws regarding the registration of
13 sex offenders in his state of residence, employment and
14 school attendance, and he shall provide verification of
15 compliance to the probation officer.

16 The Defendant shall have no contact with any
17 child under the age of 18 without the presence of an
18 adult who is aware of the Defendant's criminal history
19 and is approved in advance by the probation officer.
20 So that the record is clear, the reason for this
21 condition is that one of the victims of the Defendant's
22 offense was a minor.

23 Finally, the Defendant shall have no contact,
24 whether direct or indirect, with the victims of this
25 offense.

1 I am not imposing any fine in this case since I
2 find that the Defendant does not have the ability to
3 pay a fine since he is indigent and he has minor
4 children and any money he earns while he's incarcerated
5 or on supervised release ought to go to the financial
6 support of his minor children. I must impose the
7 mandatory special assessment of \$100 per count for a
8 total of \$300.

9 Mr. Bowie, the sentence I've imposed is within
10 your guideline range. I'm reminding you that under the
11 terms of your plea agreement you gave up your right to
12 take an appeal from a sentence that is within that
13 range. Do you understand that?

14 THE DEFENDANT: Yes.

15 THE COURT: Mr. Thompson requested specifically
16 Fort Devens. I do not make specific requests. I will
17 recommend that the Bureau of Prisons place Mr. Bowie in
18 a facility that is able to provide him with the mental
19 health treatment that he needs and which is documented
20 in the Defendant's sentencing memorandum, that it be
21 near Rhode Island to the extent that that is possible
22 so that he may maintain contact with his family. And
23 I'll leave live it to you, Mr. Thompson, to work with
24 the Bureau of Prisons administratively to see where it
25 is that he's placed.

1 MS. GOLDSTEIN: The Government moves to dismiss
2 Counts IV and V of the indictment against the
3 Defendant.

4 THE COURT: Granted. IV and V are dismissed.
5 Anything further?

6 MS. GOLDSTEIN: Nothing from the Government,
7 your Honor.

8 MR. THOMPSON: No, your Honor. Thank you.
9 (Adjourned at 10:55 a.m.)
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C E R T I F I C A T I O N

I, Anne M. Clayton, RPR, do hereby certify
that the foregoing pages are a true and accurate
transcription of my stenographic notes in the
above-entitled case.

/s/ Anne M. Clayton

Anne M. Clayton, RPR

April 18, 2016

Date